

08/25/2003 09:33 FAX 7818610566

CUBIST PHARMA

002

#4  
m.m.  
8/26/03

PTO/SB/00 (01-03)

Approved for use through 04/30/2003. OMB 0581-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Request  
For  
Continued Examination (RCE)  
TransmittalAddress to:  
Commissioner for Patents  
Box RCE  
Washington, DC 20231

Application Number	10/082,544
Filing Date	February 20, 2002
First Named Inventor	Frederick B. Olosan, Jr.
Art Unit	1818
Examiner Name	Frank Choi
Attorney Docket Number	C053/C2

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

## 1. Submission required under 37 CFR 1.114

a. ☐ Previously submittedi. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_iii. ☐ Other \_\_\_\_\_b. ☒ Enclosedi. ☒ Amendment/Replyii. ☐ Affidavit(s)/Declaration(s)iii. ☐ Information Disclosure Statement (IDS)iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(f) required)b. ☐ Other \_\_\_\_\_

## 3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-1986

a. ☒ RCE fee required under 37 CFR 1.17(e)i. ☒ Extension of time fee (37 CFR 1.136 and 1.17)ii. ☐ Other \_\_\_\_\_b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosedc. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Timothy J. Douma	Registration No. (Attorney/Agent)	41,716
Signature	<i>Timothy J. Douma</i>	Date	August 25, 2003

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below

Name (Print/Type)	Timothy J. Douma	Date	August 25, 2003
Signature	<i>Timothy J. Douma</i>		

Page 1 of 2

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Box RCE, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Received from &lt;7818610566&gt; at 8/25/03 9:33:57 AM [Eastern Daylight Time]

Adjustment date: 06/21/2004 EEKUBAY1  
08/27/2003 MAY22 00000002 501986 10082544  
01 FC:1801 750.00 CR

FAX RECEIVED  
AUG 25 2003  
GROUP 1600

OFFICIAL

10082544

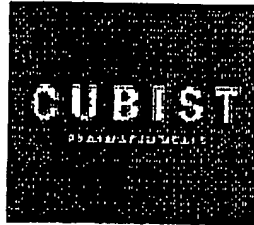
501986

375.00 DR

06/21/2004 EEKUBAY1

01 FC:2801

BEST AVAILABLE COPY



# Fax

To: Deposit Account Branch

From: Viana Daly

Intellectual Property Administrator

Tel: 781 860 8469

Fax: 781 860 1407

Fax: 703 308 6778

Pages: (including cover sheet)

Phone:

Date: May 27, 2004

Re: Deposit Account 50-1986

CC:

☐ Urgent    ☐ For Review    ☐ Please Comment    ☐ Please Reply    ☐ Please Recycle

### • Comments:

A review of past Deposit Account statements shows that large entity fees were deducted from our deposit account as follows:

Date	Serial No.	Docket No.	Fee
07/01/03	09/735,191	C062	750.00
08/27/03	10,082,544	C053/C2 (formerly CUB-1CON)	750.00
09/11/03	09/227,687	C044 (formerly CP188-03P9MA)	320.00
09/11/03	09/227,687	C044 (formerly CP188-03P9MA)	920.00
10/31/03	09/735,191	C062	1,330.00
<b>TOTAL</b>			<b>\$4,070.00</b>

*Handwritten: 1375.00*

Cubist Pharmaceuticals, Inc. is a small entity. We therefore respectfully request that you refund the sum of \$2,035.00, which is the difference between the total small and large entity fees.

Thank you for your attention to this matter. Please contact me if you have any questions.

THIS FAX IS FOR THE SOLE USE OF THE INTENDED RECIPIENT(S) AND CONTAINS CONFIDENTIAL AND PRIVILEGED INFORMATION. ITS CONTENTS SHOULD NOT BE DISCLOSED NOR SHOULD IT BE GIVEN OR COPIED TO ANYONE. IF YOU ARE NOT THE INTENDED RECIPIENT, PLEASE CONTACT THE SENDER AND DESTROY ALL COPIES OF THE ORIGINAL MESSAGE. THANK YOU.

USPTO Dep AcctFAX(refundreq) 052704

65 Hayden Avenue, Lexington, MA 02421

P. 781.860.8660

F781-860-1407

[www.cubist.com](http://www.cubist.com)

05/27/04 THU 07:49 [TX/RX NO 8403] 001